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LEGISLATIVE ACTION

Senate

House

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04/27/2010 05:43 PM

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Senator Smith moved the following:

**Senate Amendment (with title amendment)**

Delete lines 34 - 203

and insert:

Section 1. Subsection (4) and paragraph (a) of subsection (10) of section 318.14, Florida Statutes, are amended to read:  
318.14 Noncriminal traffic infractions; exception; procedures.-

(4) (a) Except as provided in subsection (12), any person charged with a noncriminal infraction under this section who does not elect to appear shall, within 30 days after the date of issuance of the citation:

1. Pay the civil penalty and delinquent fee, if applicable,



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14 either by mail or in person; or

15 2. Enter into a payment plan in accordance with s. 28.246  
16 with the clerk of the court to pay the civil penalty and  
17 delinquent fee, if applicable, within 30 days after the date of  
18 issuance of the citation.

19 (b) If the person cited follows the procedures in paragraph  
20 (a) above procedure, he or she shall be deemed to have admitted  
21 the infraction and to have waived his or her right to a hearing  
22 on the issue of commission of the infraction. Such admission  
23 shall not be used as evidence in any other proceedings. Any  
24 person who is cited for a violation of s. 320.0605 or s.  
25 322.15(1), or subject to a penalty under s. 320.07(3) (a) or (b)  
26 or s. 322.065, and who makes an election under this subsection  
27 shall submit proof of compliance with the applicable section to  
28 the clerk of the court. For the purposes of this subsection,  
29 proof of compliance consists of a valid driver's license or a  
30 valid registration certificate.

31 (10) (a) Any person who does not hold a commercial driver's  
32 license and who is cited for an offense listed under this  
33 subsection may, in lieu of payment of fine or court appearance,  
34 elect to enter a plea of nolo contendere and provide proof of  
35 compliance to the clerk of the court, designated official, or  
36 authorized operator of a traffic violations bureau. In such  
37 case, adjudication shall be withheld; however, no election shall  
38 be made under this subsection if such person has made an  
39 election under this subsection in the 12 months preceding  
40 election hereunder. No person may make more than three elections  
41 under this subsection. This subsection applies to the following  
42 offenses:



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43           1. Operating a motor vehicle without a valid driver's  
44 license in violation of the provisions of s. 322.03, s. 322.065,  
45 or s. 322.15(1), or operating a motor vehicle with a license  
46 that which has been suspended for failure to appear, failure to  
47 pay civil penalty, or failure to attend a driver improvement  
48 course pursuant to s. 322.291.

49           2. Operating a motor vehicle without a valid registration  
50 in violation of s. 320.0605, s. 320.07, or s. 320.131.

51           3. Operating a motor vehicle in violation of s. 316.646.

52           4. Operating a motor vehicle with a license that has been  
53 suspended under s. 61.13016 or s. 322.245 for failure to pay  
54 child support or for failure to pay any other financial  
55 obligation as provided in s. 322.245; however, this subsection  
56 does not apply if the license has been suspended pursuant to s.  
57 322.245(1).

58           5. Operating a motor vehicle with a license that has been  
59 suspended under s. 322.091 for failure to meet school attendance  
60 requirements.

61           Section 2. Section 318.15, Florida Statutes, is amended to  
62 read:

63           318.15 Failure to comply with civil penalty or to appear;  
64 penalty.-

65           (1) (a) If a person fails to comply with the civil penalties  
66 provided in s. 318.18 within the time period specified in s.  
67 318.14(4), fails to enter into or comply with the terms of a  
68 penalty payment plan with the clerk of the court in accordance  
69 with ss. 318.14 and 28.246, fails to attend driver improvement  
70 school, or fails to appear at a scheduled hearing, the clerk of  
71 the court shall notify the Division of Driver Licenses of the



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72 Department of Highway Safety and Motor Vehicles of such failure  
73 within 10 days after such failure. Upon receipt of such notice,  
74 the department shall immediately issue an order suspending the  
75 driver's license and privilege to drive of such person effective  
76 20 days after the date the order of suspension is mailed in  
77 accordance with s. 322.251(1), (2), and (6). Any such suspension  
78 of the driving privilege which has not been reinstated,  
79 including a similar suspension imposed outside Florida, shall  
80 remain on the records of the department for a period of 7 years  
81 from the date imposed and shall be removed from the records  
82 after the expiration of 7 years from the date it is imposed.

83 (b) However, a person who elects to attend driver  
84 improvement school and has paid the civil penalty as provided in  
85 s. 318.14(9), but who subsequently fails to attend the driver  
86 improvement school within the time specified by the court shall  
87 be deemed to have admitted the infraction and shall be  
88 adjudicated guilty. In such a case in which there was an 18-  
89 percent reduction pursuant to s. 318.14(9) as it existed before  
90 February 1, 2009, the person must pay the clerk of the court  
91 that amount and a processing fee of up to \$18, after which no  
92 additional penalties, court costs, or surcharges shall be  
93 imposed for the violation. In all other such cases, the person  
94 must pay the clerk a processing fee of up to \$18, after which no  
95 additional penalties, court costs, or surcharges shall be  
96 imposed for the violation. The clerk of the court shall notify  
97 the department of the person's failure to attend driver  
98 improvement school and points shall be assessed pursuant to s.  
99 322.27.

100 (2) After the suspension of a person's driver's license and



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101 privilege to drive under subsection (1), the license and  
102 privilege may not be reinstated until the person complies with  
103 the terms of a periodic payment plan or a revised payment plan  
104 with the clerk of the court pursuant to ss. 318.14 and 28.246 or  
105 with all obligations and penalties imposed under s. 318.18 and  
106 presents to a driver license office a certificate of compliance  
107 issued by the court, together with a nonrefundable service  
108 charge of \$60 imposed under s. 322.29, or presents a certificate  
109 of compliance and pays the service charge to the clerk of the  
110 court or a driver licensing agent authorized under s. 322.135  
111 clearing such suspension. Of the charge collected, \$22.50 shall  
112 be remitted to the Department of Revenue to be deposited into  
113 the Highway Safety Operating Trust Fund. Such person must also  
114 be in compliance with requirements of chapter 322 before  
115 reinstatement.

116 Section 3. Section 322.331, Florida Statutes, is amended to  
117 read:

118 322.331 Habitual traffic offenders; restoration of  
119 license.—

120 (1) At the expiration of 5 years from the date of license  
121 revocation, a person whose license has been revoked under s.  
122 322.27(5) may petition the department for restoration of driving  
123 privileges. Upon such petition and after investigation of the  
124 person's qualification and fitness to drive, the department  
125 shall hold an administrative hearing to determine whether  
126 driving privileges shall be restored either on an unrestricted  
127 basis or on a restricted basis solely for business or employment  
128 purposes.

129 (2) If a person whose license has been revoked under s.



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130 322.27(5) as a result of a third violation of driving a motor  
131 vehicle while his or her license is suspended or revoked which  
132 occurred prior to July 1, 2010, provides proof of compliance as  
133 allowed by s. 318.14(10) (a) prior to July 1, 2011, the clerk of  
134 court shall submit an amended disposition to remove the habitual  
135 traffic offender designation.

136 Section 4. Subsection (11) is added to section 322.34,  
137 Florida Statutes, to read:

138 322.34 Driving while license suspended, revoked, canceled,  
139 or disqualified.—

140 (10) (a) Notwithstanding any other provision of this  
141 section, if a person does not have a prior forcible felony  
142 conviction as defined in s. 776.08, the penalties provided in  
143 paragraph (b) apply if a person's driver's license or driving  
144 privilege is canceled, suspended, or revoked for:

145 1. Failing to pay child support as provided in s. 322.245  
146 or s. 61.13016;

147 2. Failing to pay any other financial obligation as  
148 provided in s. 322.245 other than those specified in s.  
149 322.245(1);

150 3. Failing to comply with a civil penalty required in s.  
151 318.15;

152 4. Failing to maintain vehicular financial responsibility  
153 as required by chapter 324;

154 5. Failing to comply with attendance or other requirements  
155 for minors as set forth in s. 322.091; or

156 6. Having been designated a habitual traffic offender under  
157 s. 322.264(1) (d) as a result of suspensions of his or her  
158 driver's license or driver privilege for any underlying



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159 violation listed in subparagraphs 1.-5.

160 (b)1. Upon a first conviction for knowingly driving while  
161 his or her license is suspended, revoked, or canceled for any of  
162 the underlying violations listed in subparagraphs (a)1.-6., a  
163 person commits a misdemeanor of the second degree, punishable as  
164 provided in s. 775.082 or s. 775.083.

165 2. Upon a second or subsequent conviction for the same  
166 offense of knowingly driving while his or her license is  
167 suspended, revoked, or canceled for any of the underlying  
168 violations listed in subparagraphs (a)1.-6., a person commits a  
169 misdemeanor of the first degree, punishable as provided in s.  
170 775.082 or s. 775.083.

171 (11) (a) Any person who does not hold a commercial driver's  
172 license and who is cited for an offense of knowingly driving  
173 while his or her license is suspended, revoked, or canceled for  
174 any of the underlying violations listed in paragraph (10) (a)  
175 may, in lieu of payment of fine or court appearance, elect to  
176 enter a plea of nolo contendere and provide proof of compliance  
177 to the clerk of the court, designated official, or authorized  
178 operator of a traffic violations bureau. In such case,  
179 adjudication shall be withheld; however, no election shall be  
180 made under this subsection if such person has made an election  
181 under this subsection in the preceding 12 months. No person may  
182 make more than three elections under this subsection.

183 (b) If adjudication is withheld under paragraph (a), such  
184 action is not a conviction.

185 Section 5. This act shall take effect October 1, 2010.

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187 ===== T I T L E A M E N D M E N T =====



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188 And the title is amended as follows:

189 Delete lines 2 - 29

190 and insert:

191 An act relating to penalties for violations of traffic  
192 laws; amending s. 318.14, F.S.; providing for a person  
193 charged with a noncriminal traffic infraction to make  
194 periodic payments to pay civil penalties and fees;  
195 providing for certain persons cited for specified  
196 offenses to provide proof of compliance to a  
197 designated official; providing alternative citation  
198 disposition procedures for the offense of operating a  
199 motor vehicle with a license that has been suspended  
200 for failure to pay certain financial obligations or to  
201 comply with specified education requirements; amending  
202 s. 318.15, F.S.; providing for suspension of a  
203 driver's license for failure to enter into or comply  
204 with the terms of a penalty payment plan; providing  
205 for reinstatement of the suspended license; amending  
206 s. 322.331, F.S.; providing for the removal of a  
207 habitual traffic offender designation upon proof of  
208 compliance with statutory provisions by certain  
209 offenders; amending s. 322.34, F.S.; providing  
210 alternative citation disposition procedures for the  
211 offense of knowingly operating a motor vehicle with a  
212 license that has been suspended for failure to pay  
213 certain financial obligations or failure to comply  
214 with specified education requirements; providing that  
215 adjudication shall be withheld under the alternative  
216 disposition and that such withholding of adjudication





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is not a conviction; providing an effective date.